IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31922 of 2007(A)

PETITIONER:

SANKARA NARAYANAN, S/O.KANDAPPAN NAIR,
AGED 66 YEARS, SHUDDHI SOAPS, KARALMANNA,
CHERPULASSERRY, PALAKKAD.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS:
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1. THE STATE BANK OF INDIA,
OTTAPPALAM BRANCH, OTTAPPALAM, PALAKKAD,
REPRESENTED BY ITS BRANCH MANAGER, OTTAPALAM,
PALAKKAD DISTRICT.

2. M/S.RAMACHANDRAN AND RAMACHANDRAN
ASSOCIATES, SURYAKIRAN, COLLEGE ROAD,
PALAKKAD-678001.

3. THE SUB DIVISIONAL MAGISTRATE,
OTTAPPALAM, PALAKKAD DISTRICT.

BY ADV. SRI.K.K.CHANDRAN PILLAI, SC, SBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) NO. 31922 OF 2007 A

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Dated this the 26th day of October, 2007

J U D G M E N T

The challenge in this writ petition is against Exts. P1, P2, P6 and P12 and for a direction to the Bank to extend the petitioner the benefit of one time settlement as provided in Ext.P4. In my view, petitioner is not entitled to the relief sought for.

2. Petitioner had availed of a loan and on account of the default that was committed, proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was initiated and Ext.P1 is the possession notice that was published by the Bank as early as on June 2005. Petitioner filed a writ petition, which resulted in Ext.P3, in which the Bank was directed to consider whether he could be extended the benefit of OTS.

3. Thereafter also nothing materialised and the petitioner submits that he himself made a offer of OTS. Whatever that be, a second writ petition was filed before this

court as WP(C) 5077/06, which was disposed of by Ext.P11 judgment dated 4th July 2007, In the said judgment, this court had directed the Bank to furnish a statement of accounts to the petitioner showing the balance and the adjustment of the amounts already remitted by the petitioner within one month. It was further directed that in case the petitioner has any dispute regarding the adjustment, it will be open to him to point out the same to the Bank, within another one month and that the petitioner will clear the outstanding arrears within one month still thereafter.

4. In pursuance to the said judgment, Ext.P12 statement of accounts was furnished to the petitioner and the petitioner has neither raised any objection to the statement of account nor has made any payment as directed by this court. Thereafter, this writ petition has been now filed referring to Ext.P3 judgment and claiming the benefit of one time settlement scheme.

5. As already noticed, in Ext.P11 judgment, this court directed the Bank to furnish a statement of accounts and that has been done by the Bank. Petitioner has not disputed the

correctness of Ext.P12 statement of accounts before the Bank, in which case in terms of the judgment, petitioner ought to have cleared the arrears as directed by this court. Since that has not been done, petitioner cannot claim any other relief including a prayer for OTS.

Writ petition fails and is dismissed.

ANTONY DOMINIC, JUDGE.

Rp